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PROCEDURES RELATING TO UNDISCLOSED PARTICIPATION IN DOMESTIC ORGANIZATIONS

For the purpose of implementing Section 2-207 of the Executive Order 12036, the Director of Central Intelligence (DCI) has established and the Attorney General has approved the following procedures relating to undisclosed participation in any organization within the United States by employees of the Central Intelligence Agency (CIA), acting on behalf of the CIA or Office of the DCI.

PROHIBITIONS

1. A CIA employee, acting on behalf of CIA or the Office of the DCI, may not join or otherwise participate in any organization within the United States, without disclosing his CIA affiliation to appropriate officials of the organization (such participation is referred to in these procedures as "undisclosed participation") except as it may be found by the DCI or Deputy Director of Central Intelligence (DDCI) subject to the review of the Attorney General to be essential to achieve a lawful purpose. This prohibition does not, however, require a disclosure of CIA affiliation if the participation is attendance at a public meeting, the sponsors of which do not require or expect such a disclosure as a condition of attendance.

2. A CIA employee may not undertake undisclosed participation for the purpose of influencing either the goals or activities of an organization or the organizational activities of its members except in the case of an organization that is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power, as determined by the Attorney General.

3. A CIA employee shall not request or otherwise encourage, directly or indirectly another person to undertake on behalf of CIA or the Office of the DCI any activity prohibited by these procedures or any permitted activity except pursuant to these procedures.

4. CIA will not knowingly store or disseminate/outside CIA, or to users within CIA/ nonpublicly available information concerning United States persons acquired through undisclosed participation except as provided in Attorney General-approved CIA procedures (Section 2-208 of E.O. 12036) governing the collection, storage and dissemination of such information concerning such persons.

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5. Undisclosed participation is permissible if it is determined by the DCI or DDCI to be essential to achieve one or more of the lawful purposes listed below. Any such determination is subject to review by the Attorney General, although it does not require such review. Lawful purposes are:

a. to obtain training or education relevant to CIA employment;

b. to obtain publications of organizations whose membership is open to the general public;

c. to maintain or enhance the qualifications of CIA employees, and to make it possible for them to stay abreast of developments in their fields of professional expertise;

d. to maintain the cover of CIA personnel, programs and facilities which are not publicly acknowledged as such by the United States Government;

e. to develop associations and credentials to be utilized for purposes relating to foreign intelligence* as for example by joining an organization to which an employee would ordinarily be expected to belong if his cover employment were his true employment;

f. to utilize individuals** on a witting or voluntary basis who are members of an organization within the United States to develop persons of foreign nationality as sources or contacts*** for purposes related to foreign intelligence*:

g. to place employees in an organization within the United States to identify and develop persons of foreign nationality as sources or contacts*** for purposes related to foreign intelligence*; and

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*The collection of foreign intelligence by the CIA within the United States is the subject of other procedures (those for sections 1-801 and 2-208 of E.O. 12036). Foreign intelligence in the context used in paragraphs 5e, f, g, and h, includes special activities.

**Nothing in these procedures shall preclude CIA from receiving information voluntarily supplied by these individuals, including information relating to United States persons. All such information will be stored and disseminated in accordance with the Attorney General-approved procedures governing Section 2-208 of E.O. 12036.

***The investigation of a United States person as a potential source or contact is the subject of other procedures (those for Section 2-208 of E.O. 12036).

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h.* to protect the degree of CIA interest in a particular foreign intelligence* subject matter, but limited to participation in an organization that permits such participation by government employees in their official capacities.

6. The Attorney General or his designee may also approve undisclosed participation if:

a. The Attorney General or his designee finds that the organization involved is composed primarily of individuals who are not United States persons and that there are reasonable grounds to believe it is acting on behalf of a foreign power; and

b. The Attorney General or his designee approves the purpose of the undisclosed participation.

7. In determining whether an undisclosed participation is essential to achieve a lawful purpose, the DCI or DDCI will take into account the following considerations:

a. the importance of the activity;

b. whether the purpose could be served if affiliation with CIA were disclosed;

c. whether the cover of CIA employees or facilities would be compromised or jeopardized if affiliation with CIA were disclosed;

d. whether CIA sponsorship of contracts or projects would be compromised if affiliation with CIA were disclosed, but only to the extent that such sponsorship may properly be concealed;

e. whether CIA's level of expertise or interest in a particular field would be revealed, but only to the extent that there are valid reasons for concealing such information;

f. whether CIA's interest in and capabilities concerning specific foreign intelligence objectives would be jeopardized or disclosed; and

g. any adverse consequences, including embarrassment to any other person, that might result from the undisclosed participation, and whether such consequences outweigh the importance of the activity.

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*See first footnote previous page.

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APPROVAL PROCEDURES FOR PERMITTED ACTIVITIES

8. Except when the undisclosed participation is to purposefully place employees in an organization within the United States to identify and develop persons of a foreign nationality as sources or contacts for purposes related to foreign intelligence (paragraph 5g above), recommendations to the DCI or DDCI for approval of undisclosed participation need not be made on an individual case-by-case basis. Such recommendations may cover a group of related cases. Each recommendation will contain a statement of the facts and circumstances relied upon to support a determination by the DCI or DDCI that the undisclosed participation is essential to achieve one of the lawful purposes noted in paragraph 5 above, in light of the considerations noted in paragraph 7 above and a delegation of authority in accordance with paragraph 9 immediately below.

9. The DCI or DDCI may delegate the authority to approve individual cases within a group of related cases of undisclosed participation for the purposes enumerated in paragraphs 5a, b, c, and h above to senior officials. Such authority for the purposes of paragraphs 5d and e above may be delegated to a deputy director or an immediate subordinate thereof. Such authority for the purpose of paragraph 5f may be delegated to the Deputy Director for Operations and the Chief, Foreign Resources Division. Such authority for the purpose described in paragraph 5g may not be delegated. Senior officials are the chiefs of CIA stations, bases and installations outside of CIA Headquarters and employees at CIA Headquarters with, as determined by the DCI or DDCI, equivalent or superior responsibility or authority.

10. All recommendations to the DCI or DDCI for a determination that an undisclosed participation is essential to achieve a lawful purpose shall be forwarded through the General Counsel, CIA. All other recommendations will be subject to, but not require, the review of the General Counsel.

11. All recommendations to the Attorney General or his designee pursuant to paragraph 6 above to approve an undisclosed participation for the purpose of influencing either the goals or activities of an organization or the organizational activities of its members will be made by the DCI or DDCI and will contain a statement of the facts and circumstances that the DCI or DDCI believe will support such participation and a statement of the facts and circumstances that the DCI or DDCI believe will support a determination that the organization is composed primarily of individuals who are not United States persons and is believed to be acting in behalf of a foreign power. Those recommendations shall be forwarded through the General Counsel, CIA.

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12. Where necessary, a recommendation to the Attorney General, DCI or the DDCI may be oral, and authorization may also be oral, but in these circumstances the recommendation will otherwise be in conformance with these procedures and will be confirmed as promptly as possible in writing.

13. All determinations made under these procedures shall specify the duration of the participation, not to exceed twelve months and shall include provisions to insure that such participation is limited in its nature, scope and duration to that necessary to achieve the lawful purpose.

14. Nothing in these procedures shall preclude CIA employees from representing that they are employed by an organizational component of CIA as long as that component has been officially and publicly acknowledged as a part of CIA.

15. Nothing in these procedures shall prohibit the retention or dissemination of information necessary for the purpose of determining or assuring that the requirements of these procedures are satisfied.

INTERPRETATION

16. All questions as to the coverage and interpretation of these procedures will be resolved by the General Counsel, CIA, in consultation where there is a significant new legal question, with the Department of Justice. The DCI may modify these procedures upon the express approval of the Attorney General.

DEFINITIONS

17. For the purposes of this approval:

a. "Acting on behalf of a foreign power" includes but is not limited to all activities of an "agent of a foreign power" when a person is acting in that capacity.

b. "Acting on behalf of CIA or the Office of the DCI" means acting in the course of an employee's official duties rather than acting in the employee's private capacity for a personal purpose. The term includes arrangement pursuant to which CIA pays dues, membership or attendance fees for a CIA employee to join or participate in an organization with the United States but does not include private membership or participation in such an organization in which any Federal employee might ordinarily join or participate as a private citizen.

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c. "Agent of a foreign power" means

(1) a person who, for or on behalf of a foreign power, is engaged in clandestine intelligence activities (including clandestine activities intended to affect the political or governmental process), sabotage, or international terrorist activities, or who conspires with or knowingly aids or abets such a person in engaging in such activities;

(2) a person who is an officer or employee of a foreign power*;

(3) a corporation or other entity that is owned or controlled directly or indirectly by a foreign power;

(4) a person acting in collaboration with an intelligence or security service of a foreign power who has, or has had, access to information or material classified by the United States; or

(5) a person unlawfully acting for or pursuant to the direction of a foreign power, provided that the fact that a person's activities may benefit or further the aims of a foreign power, standing alone, is not sufficient to support a finding that a person is acting for or pursuant to the direction of a foreign power.

d. "Attorney General" includes the Acting Attorney General.

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*"Officer or employee of a foreign power" includes foreign nationals in the United States who are acting in an official capacity on behalf of a foreign power, attached to a foreign diplomatic establishment or an establishment under the control of a foreign power, or employed by a public international organization or organization established under an agreement to which the United States is a party.

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e. "Appropriate officials of the organization" means any official of the organization reasonably believed to be authorized to act on behalf of the organization in relation to the activity in question.

f. "Clandestine intelligence activity" means an activity conducted for intelligence purposes or for the purpose of affecting political or governmental processes by or on behalf of a foreign power in a manner tending to conceal from the United States Government the nature or fact of such activity or the role of such foreign power, and any knowing activity conducted in support of such activity.

g. "Deputy Director of Central Intelligence" and "DDCI" includes the Acting Deputy Director of Central Intelligence.

h. "Director of Central Intelligence" and "DCI" includes the Acting Director of Central Intelligence.

i. "Employee" means a person employed by, assigned to, or acting for CIA or the Office of the DCI.

j. "Foreign intelligence" means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

k. "Foreign power" means

(1) a foreign government or any component thereof, whether or not recognized by the United States;

(2) a faction of a foreign nation or nations, not substantially composed of United States persons;

(3) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(4) a foreign-based group engaged in international terrorist activity; or

(5) a foreign-based political organization not substantially composed of United States persons.

l. "International terrorist activities" means any activity or activities which:

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(1) Involves killing, causing serious bodily harm, kidnapping, or violent destruction of property, or an attempt or credible threat to commit such acts;

(2) Appears intended to endanger a protectee of the Secret Service or the Department of State or to further political, social or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and

(3) Transcends national boundaries in terms of the means by which it is accomplished, the civilian population, government, or international organization it appears intended to coerce or intimidate, or the locale in which its perpetrators operate or seek asylum.

m. "Organization within the United States" includes unincorporated associations, including legal entities of all types (partnerships, clubs, charitable and fraternal groups, academic institutions and other similar types of groups), organized in the United States or substantially composed of United States citizens or aliens admitted for permanent residence and corporations incorporated in the United States. Such term does not include a foreign branch of an organization located in the United States or an organization located outside the United States which is affiliated with an organization located in the United States.

n. "Special activities" means activities conducted abroad in support of national foreign policy objectives which are designated to further official United States programs and policies abroad and which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but not including diplomatic activity or the collection and production of intelligence or related support functions.

o. "United States," when used to describe a place, includes the territories of the United States.

p. "United States person" means

(1) a citizen of the United States;

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(2) an alien lawfully admitted for permanent residence, provided that a person outside the United States may be presumed not to be a United States person until information to the contrary is obtained and provided, further, that an alien known to have been admitted for permanent residence in the United States may be presumed to have lost his status as a United States person if he leaves the United States and it is known that he is not in compliance with the administrative formalities provided by law (8 U.S.C. section 1203) that enable such persons to reenter the United States without regard to the provisions of law that would otherwise restrict an alien's entry into the United States;

(3) an unincorporated association organized in the United States or substantially composed of United States citizens or aliens lawfully admitted for permanent residence; provided that unincorporated associations outside the United States may be presumed not to be United States persons until information to the contrary is obtained; or

(4) a corporation incorporated in the United States. A corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the United States, is not a United States person.

A person in the United States shall be presumed to be a United States person unless information to the contrary is obtained.

q. "User within CIA" means any CIA employee except those employees authorized to have access to the information solely for the purpose of determining whether the requirements of these procedures are satisfied. The only persons so authorized are:

(1) the person initially acquiring the information;

(2) a person in the direct chain of command, both abroad and within the United States, of the person initially acquiring the information and designated advisors thereto;

(3) The Inspector General and his designees; and

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(4) attorneys in the Office of General Counsel. The Office of General Counsel will be apprised of and will maintain a list of designees. (U)

18. These procedures shall become effective 30 days from the date they are approved by the Attorney General.

28 July 1979
Date

Director of Central Intelligence

I approve the foregoing procedures in accordance with subsection 2-207 of Executive Order 12036. In my opinion undisclosed participation by CIA employees in domestic organizations conducted pursuant to and in accordance with these procedures is lawful.

August 16, 1979
Date

Attorney General

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